A Developmental Services Bulletin from the Ministry of Community and Social Services

There's been a real buzz in the air since Community and Social Services Minister Madeleine Meilleur introduced Bill 77 on May 15, 2008. We know many of you have questions about the bill so we've dedicated this issue of Spotlight on Transformation to this important legislation.

Ontario asks for input on developmental services legislation

Great news for those of you who want to have your say on the proposed legislation.

Bill 77, or the Services for Persons with Developmental Disabilities Act, 2008, is currently in the hands of the Standing Committee on Social Policy. The committee will hold public hearings this summer in Toronto on August 5, London on August 6, Timmins on August 7 and Ottawa on August 8.

If you wish to make an oral presentation on Bill 77, you should contact Katch Koch, Committee Clerk, by 5:00 p.m. on Wednesday, July 30, 2008.

You can also comment on the Bill by sending written submissions to the Committee Clerk by 5:00 p.m. on Tuesday, August 12, 2008. Send your submission to:

Room 1405, Whitney Block
Queen's Park, Toronto ON M7A 1A2

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Spotlight on transformation

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Supports for people with a developmental disability have changed dramatically over the years. The proposed legislation redefines supports and the way they are provided. This is an important cornerstone of transformation and it lays the foundation for modernizing the developmental services system.

Our current legislation, the Developmental Services Act, is 35 years old. It focuses on the operations of provincial facilties. With the last three provincially-run facilities set to close by March 2009, the current legislation does not adequately reflect society's progress in creating inclusive communities.

The proposed legislation recognizes that, with the right supports, people with developmental disabilities can live independently and thrive in their communities.

The transformation agenda for developmental services is broad and covers many areas of Ontario's system of services and supports such as eligibility, making access easier, and providing more choice and flexibility.

Key features of the legislation

If the legislation is passed, some of the changes would include:

- a clear definition of "developmental disability" and eligibility criteria that would be applied consistently across the province
- application centres where people would apply for services and supports
- direct funding options that would enable people with a developmental disability and their families to buy their own supports or choose the services they need from ministry-funded service agencies
- quality assurance and accountability mechanisms for service agencies and individuals and families who receive direct funding
- enhanced authority for the ministry to monitor service agencies and enforce compliance if they are not meeting requirements, and
- updated language that respects people with a developmental disability.

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Introducing new legislation is the first step. The changes the government is proposing are wide-ranging and complex. It's a journey that will take some time to build and fully implement. It took decades to move from institutional care to community supports, and, although change happens at a greater pace these days, a transformed system is still a few years away.

> We need new legislation that is in tune with the times. Legislation that helps people reach their goals and their dreams. That gives them more choice and more flexibility in the supports they receive and encourages independence.
>
> **– Minister of Community and Social Services Madeleine Meilleur**

Consultation to date

Since 2004, we've been talking to individuals with a developmental disability, their families, service providers and others on how to change the current system.

We established a Joint Ministry/Developmental Services Partnership Table with representatives from associations of self-advocates, families and service providers, as well as from the Ministry of Community and Social Services and the Ministry of Children and Youth Services.

In October 2004, the Partnership Table developed a discussion paper outlining a high-level vision and principles for transforming the developmental services sector. Member organizations provided more than 100 responses to the discussion paper which represented feedback from hundreds of individuals and organizations.

Between November 2004 and March 2005, former Parliamentary Assistant for Disabilities Ernie Parsons held 10 meetings across the province to hear from individuals and families about their experiences with the developmental services system. He met with more than 180 people, many of whom were not affiliated with any of the Partnership Table members or local service providers.

From fall 2004 and winter 2005, we held six expert policy forums for individuals, families, academics, agency and professional staff. We sought their expertise on several issues, including citizenship and inclusion for people with developmental disabilities, strengthening and supporting families, funding approaches and residential options.

The feedback we received from these discussions informed a major consultation over the spring and summer of 2006. We released a discussion paper called *Opportunities and Action: Transforming Supports in Ontario for People who have a Developmental Disability*. The paper outlined our long-term plans for the developmental services system and sought ideas and advice from people with a developmental disability and their families. We held 24 face-to-face

sessions, met with more than 500 individuals and family members and received 550 written responses to the paper.

This rich consultation helped shape our proposed legislation. Although opinions may vary on the kinds of changes we need to make, one thing is clear – there is overwhelming support for the government's plan to make fundamental changes to services and supports for people with a developmental disability.

The proposed act provides the framework Ontario needs to make the changes people want to see and improve the developmental services system over the long-term.

After the public hearings, the Standing Committee on Social Policy will make recommendations regarding amendments to Bill 77. We expect that third reading of the bill will take place when the Legislature resumes in the fall.

Once the final policy decisions have been made and if the Legislature passes the bill, the ministry will need to address the operational requirements needed to implement the new act. Until the new act becomes law, we will continue to be governed by the current act.

Ever wonder how a bill becomes law?

Before a bill becomes a law, it normally passes through several steps.

Step 1: First Reading

The bill is introduced in the House and put on the agenda of the Legislature. The minister responsible may make a Statement to the House to explain the purpose of the bill.

The bill is assigned a number, printed and distributed.

Step 2: Second Reading

During this stage, the principle of the bill is debated. No amendments to the text of the bill can be made. At the end of the debate, the Speaker puts the question on motion for Second Reading. At this point, one of two things can happen:

- If the bill is given Second Reading, it may by unanimous consent be ordered for Third Reading. Otherwise,

- The bill is sent to a parliamentary committee for further study.

The purpose of this stage is to comment on, ask questions, receive input and/or propose amendments. Each clause of the bill is then considered and may be amended or deleted.

If amendments have been made, the bill is reprinted and reported back to the House.

Step 3: Third Reading

Debate during this stage is more restricted than during Second Reading. No amendments to the text of the bill can be moved.

After debate, the Speaker puts the question on motion for Third Reading.

Step 4: Royal Assent

The bill is presented to the Lieutenant Governor for assent.

When the bill is given Royal Assent, it becomes an act. It's given a statute number and reprinted.

Step 5: In Force

The statute can take effect (i.e. come into force):

- upon Royal Assent, or
- when it is proclaimed by the Lieutenant Governor, or
- on a day specified in the act.

Different sections can come into force at different times.

Find out more about the legislative process in Ontario by visiting the website of the Legislative Assembly of Ontario at: **www.ontla.on.ca.**

You Asked Us

Question:

Where can I see the bill?

Answer:

The proposed legislation is posted on the Legislative Assembly of Ontario web site as Bill 77. To view the proposed Services for Persons with Developmental Disabilities Act, 2008, go to: **www.ontla.on.ca/web/bills/bills_detail.do?locale=en&BillID=2018**

For more information about Bill 77, check out our **news release** and **backgrounder** from May 15, 2008 at **www.mcss.gov.on.ca.**

Question:

The bill says a lot about direct funding. If the bill is passed, will I have to receive direct funding and manage my own funds?

Answer:

We have heard from many individuals and families who want more choice and flexibility in the way they receive supports. For those who want it, the proposed legislation would give people more options over time to receive and manage their supports through direct funding.

We also know many people are receiving supports from an agency and are very happy with their current arrangement. Agencies will continue to be key partners in the service system.

Question:

Since the proposed legislation would change the definition of developmental disability and clarify eligibility criteria, would people who are already receiving services have to reapply?

Answer:

The proposed legislation would grandparent those adults with a developmental disability who have already been found to be eligible for services under the Developmental Services Act. This means that people who are currently receiving developmental services or have been found to be eligible even though they are not yet receiving services, would not have to reapply or be reassessed for eligibility.

Question:

What does the ministry mean when it says it wants to transform developmental services?

Answer:

There is considerable demand for developmental services in Ontario. We try to meet people's needs, but despite investing $1.57 billion annually in services, we aren't always able to keep pace with the ever-growing demand.

Transformation is about making services and supports consistent, fair and sustainable. That means that people's needs are assessed consistently and supports and services are provided as fairly as possible.

Sustainability means that services and supports are affordable over the long-term as people with a developmental disability often require them their entire lives.

With many expectations placed on government to help Ontarians get through challenging economic times, all government services - including those in the developmental services sector - need to be efficient, effective and flexible.

Learn more about developmental services in Ontario

From institutional life to community living – find out how Ontario's **services** for people with developmental disabilities have changed over the decades.

Read real life **community stories** about people with a developmental disability.

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Question:

The proposed Services for Persons with Developmental Disabilities Act, 2008, contains a lot of new service standards and requirements that agencies have to meet. What accountability requirements will there be for individuals who receive direct funding?

Answer:

The rules and accountability requirements that apply to people who receive direct funding would be set out in a direct funding agreement and could also be set out in the regulations of the proposed new legislation. They would outline the terms and conditions of the funding (including what it can be used for, reporting requirements etc.

If the person who receives direct funding does not comply with the conditions, the application centre could terminate the direct funding agreement. Where direct funding is withdrawn, the individual could still receive services through agencies.

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